

## Ordinance 0008-25 – Alcoholic Beverages

An ordinance to amend Chapter 6 – Alcoholic Beverages of Municipal Code of the City of Racine, Wisconsin.

The Common Council of the City of Racine, Wisconsin, do ordain as follows:

Part 1: The definition of “Board” under Section 6-1 is amended by deleting the words, “as defined in section 2-261 through 2-265 of the Code.”

Part 2: The definition of “Committee” under Section 6-1 is amended by deleting the words, “as defined in section 2-77 of this Code.”

Part 3: Section 6-2(a) is amended by deleting the word “he” and substituting the words “the person” therefor, and by deleting and recreating subsection (a)(3) to state, “Is the holder of a license or serves as the agent for the alcohol beverage license issued for the establishment, whether or not the person was on the premises at the time of the offense.”

Part 4: Section 6-4 is amended by deleting the words, “fermented malt beverages, and intoxicating liquors” and substituting the words, “and alcohol beverages” therefor.

Part 5: Section 6-5(e) is amended by deleting the words, “Wis. Stats. § 125.07(3)(a)1-16” and substituting the words, “Wis. Stats. § 125.07(3)(a)1-17” therefor.

Part 6: The first sentence of Section 6-14(b) is amended by deleting the words, “and which has been agreed to by the licensee” and substituting the words, “at the time of approval” therefor.

Part 7: Section 6-16(a) is amended by deleting the words, “denied, denied renewal, or revoked,” and substituting with the words, “denied or denied renewal” therefor.

Part 8: The first sentence of Section 6-16(b) by deleting it and recreating it to state, “Whenever an application for an alcohol beverage license is denied or denied renewal, no other license issued under this chapter shall be granted to such person within 12 months of the date of such denial, except as otherwise provided herein.”

Part 9: The first sentence of Section 6-20(b)2 is amended to add the words, “tamper-evident sealed” immediately before the words, “container in quantities not to exceed...”.

Part 10: Section 6-20(b)3 is amended by deleting it and recreating it to state, “A “Class C” wine license shall authorize the retail sale of wine by the glass or in an opened original container for consumption on the premises where sold, and except as authorized under Wis. Stat. § 125.51(3r). The fee for a retail “Class C” wine license shall be set forth in the fee schedule as established by the common council per year or fraction thereof.”

Part 11: Section 6-20(b)4 of the Municipal Code is repealed.

Part 12: The last sentence of Section 6-20(c)3 is amended by deleting the words, “to the common council using the procedures under section 6-21(g) of this Code” and by substituting the words, “to the public safety and licensing committee” therefor.

Part 13: Section 6-22(d) is amended by deleting the word, “ten” and substituting the word, “thirty” therefor.

Part 14: The second sentence under Section 6-23(a)(4) is amended by deleting the word, “business” and by adding the words, “Alternatively, the clerk may email such written notice to the applicant on the email address provided in the license application at least five days prior to the hearing” at the end of subsection (4) after the second sentence.

Part 15: Section 6-23(b)(1) is amended by deleting it and recreating it to state, “At the beginning of every hearing on a new license application, the chair of the committee or his or her designee shall administer the oath to the applicant before any questions. The applicant shall have an opportunity at the hearing to present arguments in favor of granting such license.”

Part 16: The last sentence of Section 6-23(b)(4) is amended by deleting the words, “and which are agreed to by the applicant”.

Part 17: The second sentence of Section 6-23(d) is amended by deleting and recreating it to state, “The common council may place any reasonable conditions upon the issuance of any alcohol beverage license.”

Part 18: Section 6-23 is amended by adding subsection (h) to state as follows:

(h) *Full-service retail outlets.*

(1) Applicants seeking approval for a full-service retail outlet location within the city are subject to the same procedures and standards set forth herein for an alcohol beverage retail license.

(2) The premises description for a full-service retail outlet location shall match the description listed on the corresponding application for a permit from the division of alcohol beverages.

Part 19: The sentence paragraph of Section 6-26(a)(3) is amended to delete the word “shall” and replace it with the word, “may”.

Part 20: The last sentence of Section 6-26(d)(2) is amended by deleting the word “business”.

Part 21: Section 6-27(a)(3) of the Municipal Code is repealed.

Part 22: Section 6-31(c)2 is amended by deleting the words, “except as otherwise provided by law”.

Part 23: The first sentence under Section 6-32(c) is amended by adding the words, “temporary or” between the words, “may apply for a” and “permanent extension of the licensed premises.”

Part 24: Section 6-38(a)(5) is amended by deleting the words, “8 a.m.” and substituting the words, “6 a.m.” therefor.

Part 25: Section 6-38(b)(1) is amended by deleting the words, “8 a.m.” and substituting the words, “6 a.m.” therefor.

Part 26: Section 6-38(b) is amended by deleting subsection (4) and renumbering the remaining subsection accordingly.

Part 27: The first sentence under Section 6-41(a) is amended by adding the words, “Class B” in between the words, “whenever the proposed” and the words, “licensed premises is a building...”

Part 28: The first sentence under Section 6-41(a) is amended by adding the words, “Class B” in between the words, “cases where the proposed” and the words, “licensed premises is not yet open...”

Part 29: Section 6-41(c) is amended by deleting the first two paragraphs substituting the words, “The common council, in approving a conditional grant of a license under subsections (a) or (b), shall allow the applicant up to six months to complete all work and obtain all necessary permits to start operating under such license.” therefor.

Part 30: The last sentence of Section 6-41(c) is amended by deleting it and recreating it to state, “Upon satisfactory completion of all work and/or conditions required by the city within the permitted time frame, the city clerk shall issue such license to the applicant.”

Part 31: Section 6-41(d) is amended by deleting it and recreating it to state, “Any applicant who was approved for a license but fails to satisfy the conditions for the issuance of such license shall not be issued a license. In such case, the original license fee paid shall be nonrefundable and the applicant may re-apply for such license provided one is available.”

Part 32: Section 6-41(e) of the Municipal Code is repealed.

Part 33: Section 6-84 is amended by deleting it and recreating it to state, “No person shall advertise or display any alcohol beverages for sale unless such person is licensed to sell such beverages.”

Part 34: The second sentence of Section 6-87 is amended by deleting the words, “submitted to the public safety and licensing committee at the time of the application” and the words, “approved by the common council” therefor.

Part 35: The first sentence of Section 6-88 is amended by deleting it and recreating it to state, “Each licensee shall operate his or her business in accordance with the license application and floor plan or plan of operation, including the hours and days of operation, as approved by the common council.”

Part 36: The title of Section 6-131 is amended by deleting it and recreating it to state, “Operator’s license or permit required.”

Part 37: The first sentence of Section 6-131(a) is amended by deleting the words, “license under Wis. Stats. § 125.17” and substituting the words, “license or permit under Wis. Stats. §§ 125.17 and 125.175” therefor.

Part 38: The last sentence of Section 6-131(a) is amended by adding the words, “or permit” following the words “operator’s license”.

Part 39: The first sentence of Section 6-131(b) is amended by adding the words, “or permit” after the words, “on his or her person such operator’s license” and again after the words, “holding an operator’s license or”.

Part 40: The state law reference under Section 6-131 is amended by adding the words, “; issuance of operator’s permit, Wis. Stat. § 125.175.”

Part 41: The title of Section 6-166 is amended by deleting it and recreating it to state, “Issuance or denial; transfer of license.”

Part 42: Section 6-166(a) is deleted and recreated to state, “The city clerk shall issue a non-intoxicating beverage license to the applicant if the criteria set forth in this article have been met.”

Part 43: Section 6-166(b) is amended by deleting the words, “except as otherwise provided by law”.

Part 44: Section 6-166(c) is deleted and recreated to state, “Each license issued under this article may be renewable by the city clerk provided the applicant submits a renewal application and pays the license fee by April 15 of every year.”

Part 45: This ordinance shall take effect upon passage by a majority vote of the members-elect of the City of Racine Common Council and publication or posting as required by law.

Fiscal Note: N/A

Pursuant to Wisconsin Statutes section 62.09(8)(c), the mayor shall have the veto power as to all acts of the common council, except such as to which it is expressly or by necessary implication otherwise provided. All such acts shall be submitted to the mayor by the clerk and shall be in force upon approval evidenced by the mayor’s signature, or upon failing to approve or disapprove within 5 days, which fact shall be certified thereon by the clerk. If the mayor disapproves, the mayor’s objections shall be filed with the clerk, who shall present them to the council at its next meeting. A two-thirds vote of all the members of the council shall then make the act effective, notwithstanding the objections of the mayor.